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REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS POLICE SUPPORT GROUP

I. INTRODUCTION

1. The present report is submitted pursuant to the statement of 2 July 1998 of the President of the Security Council (S/PRST/1998/19). It provides an overview of the activities of the United Nations Police Support Group and an assessment of the situation in the Danube region since the submission of my last report on 11 June 1998 (S/1998/500). The report also details the arrangements for the termination of the Support Group mandate by 15 October 1998.

II. OPERATIONS OF THE POLICE SUPPORT GROUP

2. Since my last report, cooperation between the Support Group and the local police has been satisfactory. Regular contacts between my Representative and senior Croatian government officials have helped to resolve emerging issues. In addition, the Commissioner of the civilian police and his staff have maintained regular daily contact with local police commanders.

3. My Representative has also maintained close contact with the United Nations agencies in Croatia, in particular with the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Office of the United Nations High Commissioner for Human Rights, as well as other international organizations, especially the Organization for Security and Cooperation in Europe (OSCE). This close contact has been instrumental in ensuring a coordinated international position on key issues related to the implementation of the respective mandates of those organizations, most notably those related to the return of refugees and displaced persons and the monitoring of the situation in the region.

The security situation in the region

4. The security situation in the region continues to be relatively stable. According to the Ministry of the Interior, the level of crime is lower than in most other areas of Croatia. This is largely due to the high ratio of police officers to residents in the region, as compared with elsewhere in Croatia, and to international monitoring. The overall level of housing-related and ethnically related incidents is decreasing. In the four-week period preceding

my report of 11 June 1998, an average of 54 incidents were reported each week. In the most recent four-week period, the average had dropped to 33.

5. Housing-related intimidation, which generally involves attempts by Croat homeowners to evict Serb displaced persons temporarily occupying their homes under the terms of the Agreement on Operational Procedures of Return concluded by the Government of Croatia, the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) and UNHCR, has declined from 599 reported incidents in the three-month period preceding my last report to 258 in the current three-month period. One factor in this decrease is the decline in the number of Serb displaced persons who remain in the region as a result of resettlement in their original homes or other accommodation elsewhere in Croatia or their departure to other countries.

6. Despite improvements in the security situation, the severity of ethnically related incidents has increased, with verbal intimidation being replaced by more violent incidents. Increases in ethnically related shootings, explosions, assaults and vandalism have been recorded. These incidents have often been directed against symbolically important objects such as community monuments in the region. In addition, the number of ethnic incidents by repeat offenders has risen from an average of 15 per cent in the previous reporting period to 20 per cent in the current reporting period.

Croatian police performance

7. The overall police response to criminal activity meets international standards for law enforcement agencies as described in the "United Nations Criminal Justice Standards for Peacekeeping Police" (second edition, 1996). Reports of the Support Group show that in response to complaints, the police filed charges in more that 75 per cent of cases. However, police response to ethnic incidents is less encouraging. Despite clear guidelines established by the Ministry of the Interior, there are signs of a growing unwillingness on the part of some police officers to take action in such cases. This has been compounded by recent oral instructions to police officers not to evict owners who have illegally repossessed their properties. As a result, a perception has been created in the minds of would-be offenders that the police will not forcibly remove them, and among displaced persons, that the homeowner and the police are in collusion. The performance of the police is also being undermined by an inefficient judicial system. The inability of the courts to promptly hear charges against offenders contributes to the local population's perception that the system is not impartial and that the police and the courts cannot be trusted when dealing with ethnically related cases.

8. Continuing difficulties with standards of training and supervision of local police officers are reflected in the fact that some 10 per cent of them currently face formal disciplinary proceedings. Attempts by the Support Group to address differences in the levels of training have been hampered by reluctance on the part of some Serb and other minority officers to undertake training outside the region. While some of them claim to fear intimidation at the police academy, there is no evidence that this fear is justified. Notwithstanding those difficulties, 120 officers from all ethnic groups have attended training courses within the region sponsored by the Austrian Centre for

Peace and Conflict Resolution. In addition, weekly instruction, supported by the civilian police, is provided at the station level for all police officers.

9. Despite an agreement between the Support Group and the Government of Croatia, there has been an increase in the number of local police officers failing to share information with or to inform the civilian police in matters involving investigations. Since my report of 11 June, 56 cases of local police officers not complying with the provisions of this agreement have been recorded, as compared with 32 during the previous reporting period. Those cases have been followed up with the Ministry of the Interior and resolved satisfactorily.

10. In its presidential statement of 2 July 1998, the Security Council called upon the Government of Croatia to take measures to strengthen public confidence in the police, including through public information and police preventive action. In that context, the Council stressed the importance of instituting a community policing programme. Regrettably, there has been little response to numerous requests that local police officers take part in public relations activities, and the Ministry of the Interior, despite frequent urging, has yet to take steps to institute a community policing programme. The institution of such measures could help to counter the local perception that the police force is biased.

Ethnic structure of the local police force

11. At present, the local police force has a strength of 1,522 officers, including 801 Croats, 672 Serbs and 49 officers of other ethnicity. Full proportionality at all levels, including in senior and command positions, is respected. Measures continue to be taken by the Assistant Minister of the Interior and his officers to counsel those Serb members intending to resign and to persuade them to remain.

12. The working conditions and salaries of members of the local police force continue to be the same, regardless of ethnicity. No problems have been reported between officers of Croat and Serb origin. Similarly, there is no evidence of discrimination in either the raising of disciplinary charges in the force or the outcome of proceedings.

III. RETURN OF REFUGEES AND DISPLACED PERSONS

13. On 26 June 1998, the Government of Croatia adopted a Programme for the Return and Accommodation of Displaced Persons, Refugees and Exiled Persons, which was developed in close cooperation with UNHCR, the United Nations, OSCE and the Article 11 Commission. The programme is a major step in the right direction. It establishes mechanisms that should allow for the return of all Croatian citizens to their former homes or for the provision of alternative accommodation, as well as for restitution of their property. It also establishes comprehensive monitoring mechanisms. The return programme also commits the Government to legislative changes to support it. The Government has already taken several initial steps towards that end, including rescinding the law on the temporary takeover and administration of specified property and the law on the leasing of apartments in the liberated areas. It has committed

itself to framing regulations to address the issues stemming from the abolition of those laws and pledged to introduce legislation to equalize the status of all categories of returnees.

14. Nevertheless, the programme has shortcomings. It does not establish a satisfactory non-discriminatory mechanism to enable apartment dwellers to return to formerly socially owned apartments or to receive alternative accommodation or compensation. Senior government representatives have indicated that plans will be developed to that effect, but they are predicated on the construction of new homes for those now occupying the apartments. Unless progress is made in this important area, Serb returns to urban areas are unlikely to increase.

Implementation of the return programme

15. A key factor in the implementation of the return programme was the establishment of housing commissions in all areas of return by 31 July 1998. In most instances, housing commissions were formed by the deadline, but many of them are not fully operational and cite difficulties with instructions or their interpretation. The Government Coordination Committee on Return has yet to meet. In addition to the specific legislative steps already taken or proposed, the Government will need to harmonize other legislation with the provisions of the return programme.

16. The Government has, nonetheless, made encouraging progress in implementing the return programme. Since its adoption, 10,411 requests for return to Croatia have been submitted by Croatian Serb refugees in the Federal Republic of Yugoslavia and in Bosnia and Herzegovina (Republika Srpska) to the Croatian Government Office for Displaced Persons and Refugees. All of these requests have been submitted with UNHCR assistance. UNHCR has reported that 3,810 individuals have been cleared for return; of those, 700 have returned spontaneously and 719 have returned under the newly established mechanisms. Another 819 individuals have returned using travel documents provided by Croatian diplomatic missions. So far, the bulk of returns have consisted of comparatively easy cases of family reunions or of returnees moving in with friends. The Croatian Government Office for Displaced Persons and Refugees reports that 1,335 applications for reconstruction assistance have been made by Croatian Serb refugees; 420 of those have been approved and 100 payments have been made so far.

17. The Office for Displaced Persons and Refugees also reports that 22,501 Croatian citizens of Serb ethnicity have returned to Croatia from the Federal Republic of Yugoslavia and Bosnia and Herzegovina. In addition, a further 22,300 Croatian citizens of Serb ethnicity have returned to other parts of Croatia from the region. This latter figure may be inflated, as the Office notes that some returnees from the Federal Republic of Yugoslavia did so via the region and may, therefore, be included twice in the total.

18. According to the Office for Displaced Persons and Refugees, only 5,700 previously registered displaced Serbs still remain in the region. This figure has dropped progressively, from 33,200 in 1997 to 12,600 by the time of my report of 11 June 1998. The movement of both Serb displaced persons and the Serb population domiciled in the region to the Federal Republic of Yugoslavia

and other countries has continued. Information from the Croatian customs service suggests that approximately four families per day are leaving the region for the Federal Republic of Yugoslavia.

19. With regard to the return of Croat displaced persons, the Office for Displaced Persons and Refugees reports that 21,349 have returned to the region. Observations on the ground suggest that about half of them have returned permanently. Some Croat returnees are temporary residents who, while maintaining houses - which are not necessarily theirs - elsewhere in Croatia, return to their own homes in the region on the weekend. It should be noted that the return programme makes double occupancy illegal, but no steps have yet been taken to enforce that provision. So far, most returns have been to Ilok in the south of the region and to Baranja in the north. Despite Government efforts to enhance the rate of return of Croat displaced persons, there is little evidence of increased returns, particularly to Vukovar.

Impediments to two-way returns

20. Key factors impeding two-way returns include the absence of economic revitalization, the lack of employment opportunities in many areas of return and a low level of confidence in the prospects for long-term return. There are signs that some Croat returnees to the region have now departed because of difficulties in finding work. In addition, economic difficulties continue to prompt original residents to leave the region. Similar problems in the areas of Serb return promote tension between Serb returnees and other residents. There is little evidence of young people returning to their pre-war homes in the region and other areas of return.

21. The return process within Croatia is also affected by regional returns. Bosnian Croat refugees, for example, are presently occupying many Croatian Serb houses in the Krajina. These refugees must either be enabled to return to their own homes in Bosnia and Herzegovina or be provided with alternative accommodation within Croatia. So far, some 12,000 Bosnian Croat refugees have registered for return to both the Federation and the Republika Srpska in Bosnia and Herzegovina. No returns from this group have taken place because of lack of approval from the Governments concerned. There is evidence also that some Croatian government representatives may have encouraged Bosnian Croat refugees to remain in Croatia.

IV. THE SITUATION IN THE DANUBE REGION

22. In its presidential statement of 2 July 1998 (S/PRST/1998/19), the Security Council called upon the Government of Croatia to demonstrate by its actions its commitment to fulfilling its obligations under the Basic Agreement and other agreements, including through progress on national reconciliation at every level. The Council also called upon the Government to implement fully and fairly its legislation on amnesty, provide promised funding for the Joint Council of Municipalities, ensure fair employment benefit practices, equal economic opportunity and the non-discriminatory application of the rule of law.

Implementation of employment and other reintegration agreements

23. The Government of Croatia has generally complied with agreements relating to employment rights for those in public enterprises and institutions. The majority of Serb workers provided with work contracts remain in their employment and receive salaries and benefits comparable to those of their Croatian counterparts. Among those no longer employed, most have departed from their workplaces voluntarily, no longer wishing to remain either in the region or in Croatia. Some have retired and a few have been released because of non-performance. No employee in public enterprises and institutions was forced to relocate outside the region. Some, however, requested transfers, which were granted when suitable posts were available in other areas.

24. Agreements on the reintegration of the educational system have also generally been met, with one important exception. The moratorium on the teaching of the history of the former Yugoslavia during the period from 1989 to 1997 is not being complied with. Textbooks containing the history of the period have been supplied to some schools in the region. The provision of such textbooks is contrary to both the agreement on education and to the Government's stated policy of promoting reconciliation. The agreement for translation of textbooks into languages other than Croatian is now being implemented and new books should be distributed to schools by December.

The law on convalidation

25. The law on convalidation, passed in September 1997, is not being implemented in a comprehensive manner. The Ministries of Health, Education, Justice and the Interior have initiated procedures to recognize the years of service of those employees who worked under the "Republika Srpska Krajina (RSK)" regime. However, as the Ministry of Labour and Social Welfare has not yet issued implementing instructions, other government departments, public enterprises and institutions have also refrained from doing so. Overall, there is still no consistent administrative procedure for implementing the law. In the case of former socially owned enterprises where the workforce has been significantly reduced, the inability to gain recognition for years of service under the "RSK" regime is having a significant negative impact. In such cases, workers who would otherwise be eligible for pensions and other social security benefits cannot obtain them.

Progress in reconciliation

26. Since my report of 11 June 1998, there has been almost no progress in the implementation of the Government's national reconciliation plan. The National Committee for the Establishment of Trust has not met for the past two months. Local reconciliation committees within the region are inactive and report that they, too, have not met, as there is no encouragement from higher levels for them to do so. Reconciliation committees are almost non-existent in areas of Serb returns. Both television and print media, including those under State control, continue to give space to rhetoric that undermines reconciliation.

Implementation of the amnesty law

27. Inconsistency and confusion characterize the implementation of the amnesty law. There have been statements by representatives of the local judiciary that "war crimes" trials will resume again after the departure of the international community, and there are signs that lower level courts may be continuing to prepare indictments for crimes that should be covered by the amnesty law. This situation does not contribute to local confidence in the region.

Functioning of local municipalities

28. All the municipalities in the region are functioning with the exception of Vukovar. As noted in my previous report (S/1998/500, para. 30), the Vukovar City Council remains deadlocked. This situation is a serious impediment to Croat returns and to the economic revitalization of the city. The continued non-functioning of the City Council appears to be due to the inability of local leaders of both ethnicities to work together, despite an agreement between the Croatian Democratic Union and the Independent Serb Democratic Party to do so. Unwillingness on the part of senior Croatian Democratic Union representatives at the national level to intervene to ensure that the agreement is implemented has not helped matters.

The Joint Council of Municipalities

29. A permanent solution to the question of the funding of the Joint Council of Municipalities, established under the Basic Agreement (see S/1995/951, annex), has yet to be found and the Council still lacks an appropriate legal status. Repeated promises by the Government to abide by its commitments have not materialized. At present, the Council is on the brink of collapse. This situation constitutes a substantial breach of the Government's commitments.

Economic reconstruction

30. Economic revitalization and reconstruction in the region and other war-affected areas are important elements in creating an environment supportive of sustainable returns. The Government of Croatia has stated that it intends to organize a donors' conference before the end of the year to attract international funds for reconstruction. The international community has conditioned the provision of funds upon the production of a nationwide comprehensive and non-discriminatory reconstruction plan and on progress in the implementation of the return programme. The Government aims to present its reconstruction plan by the end of September. The United Nations Development Programme has provided a reconstruction expert to support the Government's efforts to prepare the plan.

31. It will be recalled that in its resolution 1037 (1996) of 15 January 1996, the Security Council entrusted UNTAES with the responsibility of assisting in the coordination of the development and economic reconstruction of the region. To that end, UNTAES organized two donors' conferences to obtain funds for projects within the region and was able to raise some $40 million. Those funds have now been fully disbursed, either through the United Nations Trust Fund or

through bilateral arrangements, for projects such as reconstruction and demining and seminars to support reconciliation.

The Article 11 Commission

32. The Article 11 Commission is a key instrument in encouraging the Government of Croatia to meet its obligations fully. The Commission has continued to play an important role in focusing international attention on the region and on the issues affecting it. The Commission took a leading role in coordinating international involvement in the development of the Government's return programme (see para. 15 above). The Commission's continued close involvement in monitoring the Government's compliance with its commitments and reminding it of its obligations when necessary will be essential to ensure the successful completion of the peaceful reintegration of the region.

V. COOPERATION WITH THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE

33. The Support Group has continued to cooperate closely with OSCE at all levels. Coordination of activities, which has enhanced the efficiency of operations and prevented duplication, continues to be ensured through regular meetings at the level of heads of mission and through twice-weekly coordination meetings in the region. The Support Group also provides advice to OSCE on the reintegration agreements that it has the responsibility of monitoring.

34. On 25 June 1998, the OSCE Permanent Council, in its decision No. 239, expressed the readiness of OSCE to deploy civilian police monitors to assume the responsibilities of the Support Group personnel deployed in the Croatian Danube region. A long-term monitoring presence in the region had been foreseen in article 10 of the Basic Agreement (see S/1995/951, annex). On 13 August 1998, in response to the letter of my Representative dated 31 March 1998 (see S/1998/500, para. 39), the head of the OSCE mission in Croatia wrote to my Representative to thank the Support Group for its support and to confirm the steps taken by OSCE to facilitate the transition of activities from the Support Group to OSCE. My Representative has extended full cooperation to OSCE in planning its police operation.

35. To that end, the Support Group and OSCE have established a joint steering committee to oversee the transition process. Two joint working groups dealing with police-related matters and logistics have also been established. The groups have made good progress. Logistic support has been provided to OSCE and arrangements to use many of the facilities of the Support Group have been confirmed. An operational concept, very similar to that used by the Support Group, has been developed. OSCE has received many pledges from nations willing to contribute police monitors, many of whom are already serving with the Support Group. A Police Commissioner for the OSCE mission has already been selected. During the planning for the OSCE mission, my Representative has emphasized that, in order to ensure effective monitoring, the mission should have the same broad access to information and competencies and operate under the same conditions as the Support Group. Most importantly, there should be no gap between the incoming and outgoing operations.

VI. DRAWDOWN OF THE SUPPORT GROUP

36. As indicated in my previous report (S/1998/500, para. 46) and endorsed by the Security Council in its presidential statement of 2 July 1998, the downsizing of the Support Group began in mid-August. At present, the strength of the Support Group is 136 civilian police monitors. By the end of September, it is planned to further reduce that number to 120. The gradual drawdown of the Support Group is intended to ease the transition to the OSCE police monitoring mission, which will deploy the first of its 120 police monitors in the region by mid-September.

VII. OBSERVATIONS

37. The performance of the Croatian police in the region has shown commendable improvement over the past three months. The building of a functioning multi-ethnic police force is a noteworthy achievement, which can serve as a model for other areas of potential return. There is, however, more work to be done before the police can enjoy local confidence and prove itself to be fully capable of policing a multi-ethnic community effectively and impartially. The wide gap between the actual security provided by the police and the perception of security held by many Serb residents has been an important factor leading to the continuing departure of Serbs from the region. Maintaining the ethnic balance of the police force, including by recruiting non-Croat officers in the future, will, therefore, be an essential element in preserving the prospects for multi-ethnicity in the region and in enhancing confidence in the police force. This should remain a priority for the Government of Croatia.

38. International monitoring and advice have been essential factors in securing improvements in police performance. The close attention paid to operations in the region by the Minister of the Interior and his two deputies has also played an important part. Nonetheless, no significant effort has been made by the Government to strengthen public confidence in the police by carrying out an active public information programme or by instituting a community policing programme. It is essential that those steps be taken to ensure that the police force is viewed as an integral part of the community it serves.

39. As pointed out in my previous report (S/1998/500, para. 43), improved police performance is not, however, sufficient by itself to offset the range of outstanding problems that create a climate that fosters ethnic hatred, intolerance and intimidation. The worrisome increase in violent ethnic incidents and the increase in the number of repeat offenders over the past three months underscores the lack of effective Government action to discourage such crimes. I would again urge the Government to take preventive action to deter such incidents and to address their outstanding root causes on an urgent basis.

40. I am also concerned that follow-up by both the police and the courts to incidents of intimidation and harassment is still inadequate. In addition, there have been cases in which local police officers have allowed their performance to fall below normal professional standards or have breached either their instructions or the provisions of Croatian law. It is important, therefore, that comprehensive international police monitoring continue to

sustain local confidence, to ensure that acceptable standards of policing are maintained and to secure the improvements in police performance made so far.

41. Overall, the Government of Croatia has taken a number of steps towards meeting its commitments to the international community. It has generally met its employment and other obligations concluded in various reintegration agreements with UNTAES. A comprehensive nationwide return programme has been introduced, and some discriminatory legislation has been repealed. Positive steps to implement the return programme have been taken, although it is still too early to judge the effectiveness of the programme. International police monitoring in the region has helped to instil confidence in the return process. Monitoring in other areas of return could provide similar reassurance to potential returnees.

42. On the other hand, as noted in paragraphs 25 to 28 above, key issues related to two-way returns remain unresolved, some discriminatory legislation remains in force, implementation of the convalidation law remains incomplete, the Government's commitments to the Joint Council of Municipalities are unfulfilled, and the national reconciliation programme has not been vigorously pursued. All of these issues and, in particular, the failure to refocus attention on national reconciliation could seriously undermine the effectiveness of the return programme. In addition, lack of employment and economic reconstruction and little confidence in the future continue to impede returns. While statements by some Government officials have suggested that effective implementation of the return plan is conditioned upon the receipt of international financial support, it must be stressed that the ultimate responsibility in this matter lies with the Government. Nonetheless, continued international support to facilitate two-way returns will be needed.

43. In order to secure international assistance in the economic development of areas of return in Croatia, it is important that the Government ensure that its plans are transparent, non-discriminatory and comprehensive. These plans should address the creation of employment opportunities, particularly for young people, the stimulation of community links and the promotion of reconciliation. Such an approach could encourage displaced persons of all ages to return to their homes throughout Croatia and promote shared interests and confidence between ethnic communities. It would also encourage original residents to remain in the region, thus helping to ensure that its multi-ethnic character is maintained.

44. The overall level of measurable security in the region remains satisfactory. The risk of being subject to any kind of criminal activity is low, with the exception, unfortunately, of the Serb and minority communities, which continue to experience intimidation and more serious criminal acts as a result of property disputes and ethnic intolerance. Taking into account the stability of the security situation I am confident that the Support Group can continue with the drawdown of its personnel and terminate its operations as scheduled on 15 October 1998. I am also confident that, from that date, OSCE will successfully assume responsibilities for international monitoring, and I wish it well in that endeavour.

45. In closing, I should like to thank my Representative, Mr. Souren Seraydarian, as well as the Police Commissioner, Mr. Halvor Hartz, and the men and women of the Support Group for their dedication and perseverance in successfully carrying out the tasks entrusted to them by the Security Council.